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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

FLETCHER HARTWELL HYLER and
SHERYL ROOT HYLER,

Plaintiffs,

vs.

INVESTMENT GRADE LOANS, INC.,
et.al.,

Defendants.

Case No.: 07-CV-03180 WHA

**DECLARATION OF FLETCHER
HARTWELL HYLER IN SUPPORT OF
PRELIMINARY INJUNCTION**

Date: August 1, 2007

Time: 2:00 p.m.

Ctrm: 9

Hon. William H. Alsup

I, Fletcher Hartwell Hyler, am a plaintiff in the above-entitled action and make this affidavit, pursuant the Federal Rules of Civil Procedure, in support of plaintiffs' application for the issuance of a temporary restraining order as to defendants Investment Grade Loans, Inc., et al. ("IGL"). I have personal knowledge of the facts stated herein and could and would competently testify thereto if called to do so.

1. I make this declaration in response to the opposition to the request for a preliminary injunction.

2. During the period in which my home was controlled by the trustee in bankruptcy, I attempted to arrange loans to pay off all of the liens on the property, including

1 the loan from IGL. I engaged several mortgage brokers to arrange a loan. Each of them
2 advised that it was not possible to refinance the property while it was in bankruptcy.

3 3. Since the property was removed from the bankruptcy estate, two appraisals
4 have been completed. Both valued the property at just over \$11 Million.

5 4. IGL has, throughout these proceedings, consistently confused the cause for the
6 loan with its purpose. While it is true that the loan would not have been needed absent
7 business losses, the loan itself was entirely for personal purposes. All of the proceeds were
8 used by me to pay personal obligations. None of the proceeds were used, directly or
9 indirectly, for my business. The only remotely business purpose is the fact that I did
10 entertain business customers at my home. I did not even make a home office claim for tax
11 purposes.

12 5. As noted in my earlier declaration, the other brokers I am working with have
13 told me that the other lenders can complete a refinance within the next 30 – 40 days, now
14 that the property is out of the bankruptcy.

15 Declared under penalty of perjury under the laws of the United States.

16 Executed this 25th day of July, 2007, in Portola Valley, California.

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18
19 /s/ FLETCHER H. HYLER

20
21 I hereby attest that I have on file all holograph signatures for any signatures
22 indicated by a "conformed" signature (/S/) within this efiled document.
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25 /s/ Daniel J. Mulligan
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